

Examiner-Initiated Interview Summary	Application No. 10/068,750	Applicant(s) MONTE, WOODROW C.	
	Examiner Carlos A. Azpuru	Art Unit 1615	

All Participants:

(1) Carlos A. Azpuru.

(2) David Rodgers.

Status of Application: ____

(3) ____.

(4) ____.

Date of Interview: 25 January 2005
Time: ____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.
Rejection(s) discussed:
The rejection under 35 USC 102(e) over Reid
Claims discussed:
1-3,5, 7-9,11-13, and 22
Prior art documents discussed:
Reid et al
Part II.
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet
Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

 (Examiner/SPE Signature)

 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The interview was scheduled to discuss the reason why Reid et al was still considered prior art over the existing claims. While Reid et al did not describe their agar as a "prebiotic" or a mucopolysaccharide, it was combined with Lactobacilli or Bifidobacteria (both of which are considered "probiotics". Further, although agar is not a mucopolysaccharide, applicant's own definition was used when referencing claims 3 and 5, which includes agar as a mucopolysaccharide. Agar is not a mucopolysaccharide, it is a "prebiotic". Since the claims are directed to a composition, the intended use of Reid et al does not differentiate from the instant composition claims. Applicant may be his or her own lexicographer unless the term is used in derogation of art accepted terminology. In order to overcome the art (which discloses the combination of agar (a prebiotic) and lactobacilli or bifidobacteria (probiotics), and also to correct the reference to it being a mucopolysaccharide, it was suggested that the term "agar" be removed from claims 5, 53, and 55. Since agar can be considered a prebiotic (again using applicant's definition), it was further suggested that claim 1 include the proviso that the prebiotic is not agar. Concern was also raised about the use of the term "beneficial substance" in independent method claim 23, since it appeared that it could read on any use of a feeding tube. However, at page 1, lines 16-17, applicant clearly defines the beneficial substance as meaning a composition of a prebiotic, probiotic, or a combination of both prebiotic and probiotic. It was agreed the amendment to the claims would be done by Examiner's Amendment, and the application would be allowed. .